

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

DUSTIN MITCHELL, #2221593

VS.

DENTON COUNTY, TEXAS

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CIVIL ACTION NO. 4:18cv490

**ORDER ADOPTING REPORT AND RECOMMENDATION ON PLAINTIFF'S
MOTION TO CERTIFY CLASS ACTION**

Pro se Plaintiff Dustin Mitchell filed the above-styled and numbered lawsuit pursuant to 42U.S.C. § 1983. The complaint was referred to United States Magistrate Judge Kimberly Priest Johnson for findings of fact, conclusions of law, and recommendations for the disposition of the case pursuant to 28 U.S.C. § 636, and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to the United States Magistrate Judge.

On May 23, 2019, Plaintiff filed a motion for class certification pursuant to Federal Rule of Civil Procedure. (Dkt. # 47). On October 10, 2019, The Magistrate Judge recommended that Plaintiff's motion to certify his complaint as a class action be denied. (Dkt. # 53). The Magistrate Judge found that, other than stating the requirements of the rule and asserting in a conclusory fashion that the rule is satisfied, Plaintiff failed to prove both sections of the rule. (Dkt. # 53). In his objections, Plaintiff re-urges the same arguments he raised in his motion for class certification. (Dkt. # 55). After reviewing the Report and Recommendation and conducting a *de novo* review of Petitioner's objections, the Court concludes the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the Court. Petitioner fails to provide

a valid basis for his objections, or demonstrate how the Magistrate Judge's recommendation is incorrect.

Accordingly, it is **ORDERED** the Plaintiff's Motion for Class Certification (Dkt. # 47) is **DENIED**.

SIGNED this 3rd day of February, 2020.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE